

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS GAETA,

Plaintiff,

v.

SHERMAN, *et al.*,

Defendants.

No. 1:20-cv-01630-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDERS AND
FAILURE TO PROSECUTE

(Doc. No. 15)

Plaintiff Luis Gaeta is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was removed to this court on November 12, 2020 and was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 2, 2021, the assigned magistrate judge issued a screening order granting plaintiff leave to file a first amended complaint or to notify the court of his willingness to proceed only on the cognizable claim identified by the court within thirty (30) days. (Doc. No. 11.) Plaintiff was warned that failure to comply with the court's order would result in a recommendation for dismissal of this action, without prejudice, for failure to obey a court order and for failure to prosecute. (*Id.* at 14.) Following an extension of time, plaintiff did respond to the court's orders or otherwise communicate with the court.

1 Therefore, on November 9, 2021, the magistrate judge issued findings and
2 recommendations recommending dismissal of this action, without prejudice, for failure to obey
3 court orders and failure to prosecute this action. (Doc. No. 15.) Those findings and
4 recommendations were served on the parties and contained notice that any objections thereto
5 were to be filed within fourteen days after service. (*Id.* at 3–4.) No objections have been filed,
6 and the deadline to do so has now passed.

7 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 magistrate judge’s findings and recommendations are supported by the record and by proper
10 analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on November 9, 2021, (Doc. No. 15),
13 are adopted in full;
- 14 2. This action is dismissed, without prejudice, due to plaintiff’s failure to obey court
15 orders and failure to prosecute; and
- 16 3. The Clerk of the Court is directed to assign a district judge to this case for the
17 purpose of closing the case and then to close this case.

18 IT IS SO ORDERED.

19 Dated: **December 8, 2021**

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21 UNITED STATES DISTRICT JUDGE